

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P2307 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CH2005/000144	International filing date (day/month/year) 11.03.2005	Priority date (day/month/year) 18.03.2004
International Patent Classification (IPC) or national classification and IPC B65G35/00, B65G21/20		
Applicant WRH WALTER REIST HOLDING AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-16 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-26 _____ received by this Authority on 10.04.2006 with letter

of 05.04.2006

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/13-13/13 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application☒ claims Nos. 7, 8, 17-19

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 7, 8
are so unclear that no meaningful opinion could be formed (*specify*):☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.☐ no international search report has been established for said claims Nos. _____☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished☐ does not comply with the standard

the computer readable form

☐ has not been furnished☐ does not comply with the standard☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.☐ See Supplemental Box for further details.

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-6, 9-16, 20-25	YES
	Claims	26	NO
Inventive step (IS)	Claims	4-6, 15	YES
	Claims	1-3, 9-14, 16, 20-26	NO
Industrial applicability (IA)	Claims	1-6, 9-16, 20-26	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: DE 1 273 415 B (RHEINMETALL GMBH) 18 July 1968 (1968-07-18);			
D2: EP 0 139 287 A (FERAG AG) 2 May 1985 (1985-05-02).			
3. Document D1 discloses (the references between parentheses relate to said document): a conveying apparatus having a plurality of conveying bodies (2) and roller bodies which are in operative connection with the conveying bodies and have a plurality of rollers (4), wherein the roller bodies are arranged between guide rails (1) and the conveying bodies (2) such that the rollers (4) can be rotated freely upon displacement of the conveying bodies (2), and wherein the roller bodies have a connecting body (5) consisting of an elastic material (see column 3, lines 35-39); and a method of conveying articles, wherein a conveying body (2), for conveying a product, is moved between rolling bodies which butt against guide rails (1), and both the guide rails (1) and the rolling bodies			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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are stationary.

3.1 The subject matter of claim 26 thus lacks novelty (PCT Article 33(2)).

3.2 The subject matter of claim 1 thus differs from the known conveying apparatus in that the roller bodies have axes, the rollers being arranged such that they can be rotated about these axes in relation to the connecting body. The connecting body of document D1 is a plastic strip in which balls, rollers, needles or similar rolling-contact bodies (see claim 4) are fixed in a cage-like manner. Since it is generally known that such roller bodies have either axes, about which the rollers are arranged in a rotatable manner or cages for retaining the rollers, the subject matter of claim 1 cannot be regarded as being inventive (PCT Article 33(3)). This is actually only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive.

4. The dependent claims do not meet the PCT requirements for inventive step. The reasons are as follows:

- the features of claims 2, 3, 9-14, 16 and 23 are also known from D1;
- the features of claim 20 are a matter of common practice in the art;
- it is generally known to connect the conveying bodies of such conveying apparatuses in order to

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

achieve a continuous conveying surface (see D2)
(claims 21 and 22);

- the conveying apparatus disclosed in D1 is
suitable for conveying sheet-like products or
packages (claims 24 and 25).

5. Claims 4-6 and 15 meet the PCT requirements for
novelty and inventive step (PCT Article 33(2) and
(3)).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III

1. Amended claims 7 and 8, which do not form part of the original claims, have not been searched.
2. The application does not meet the requirements of PCT Article 6 because amended claims 17-19 are unclear:
 - since the rollers of amended claim 1 are arranged about the axes of the connecting body, they cannot be non-connected, as is disclosed in dependent claims 17 and 18;
 - claim 19, which corresponds to the embodiment of figures 12B and 12C, likewise cannot be dependent on claim 1 because the conveying apparatus of claim 1 contains a plurality of roller bodies having connecting bodies.